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#3
1085-041

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

Liang et al

*Wireless Communication Apparatus and
Method*

Application No: 10/054,543

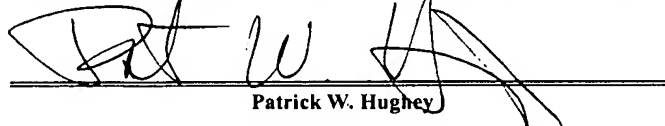
Filed: January 18, 2002

Examiner:

Art Unit: 2634

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS PAPER AND THE
DOCUMENTS REFERRED TO AS BEING ATTACHED OR
ENCLOSED HERewith ARE BEING DEPOSITED WITH THE
UNITED STATES POSTAL SERVICE ON May 2, 2002 AS FIRST
CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT
COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.


Patrick W. Hughey
Attorney for Applicant

PETITION UNDER 37 CFR 1.53(e)

ASSISTANT COMMISSIONER FOR PATENTS
Washington D.C. 20231

Sir:

In reply to the Notice of Omitted Items mailed April 2, 2002 ("Notice," copy enclosed), this is a petition to support applicant's contention that the item listed in the Notice was in fact deposited in the US Patent and Trademark Office on January 18, 2002.

The Commissioner is hereby authorized to charge the requisite fee under 37 CFR 1.17(h), and apply any subsequent refund, to Deposit Account No. 50-0241.

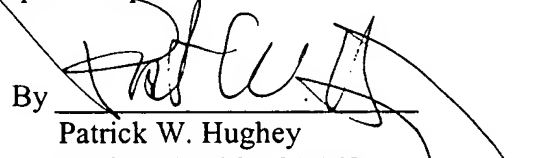
Also enclosed with this petition is a copy of Figure 9 as described in the specification and identified in the Notice as apparently omitted. Fig. 9 was one of 8 drawing sheets originally deposited. Originally filed figures 1 and 2 appear on a single sheet, the remaining figures 3 - 9 are provided on 7 separate sheets.

As evidence of the deposit of all 8 drawing sheets, including Fig. 9, applicant encloses a copy of the date-stamped postcard receipt that was included in the original deposit. Also included is applicant's file copy of the postcard receipt as made on the day of deposit (January 18, 2002). Both copies of the receipt (as-mailed, and date-stamped) show that 8 drawing sheets were submitted.

In view of the foregoing, applicant requests a determination that the Fig. 9 was originally deposited on January 18, 2002.

Respectfully submitted,

ipsolon llp

By 
Patrick W. Hughey
Registration No. 31,169

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JUN 17 2002

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805 SW Broadway #2740
Portland, OR 97205
Tel. No. (503) 419-0704



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The Patent and Trademark Office Acknowledges Receipt of the Checked
Items on the Date Stamped on this Postcard

Applicant: Liang et al
☐ Filing Fee
☒ Transmittal Letter in ☐ Duplicate ☐ Triplicate ☐ Cover Sheet (prov. apps. only)
☒ Patent Application:
 ☒ Spec. 28 pgs. ☒ 11 pgs. Claims ☒ Drawings 8 sheets
☒ Declaration w/ Power of Atty.: ☐ without signature(s)
☒ Assignment ☒ Assignment Cover Sheet
☐ Small Entity Statement: ☐ Ind. Inv. ☐ Small Bus. ☐ Non-Inv. ☐ Non-Profit
☐ Info Disclosure Statement: ☐ PTO Form 1449 ☐ with References
☐ Other:
Date Mailed: JAN 18 2002 Atty. Ref. No.: 1085-041-PWT
☒ Check \$ (No.) Expre

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10/054543
01/18/02

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Applicant:

Living et al

☒ Filing Fee

☒ Transmittal Letter in ☐ Duplicate ☐ Triplicate

☐ Cover Sheet (prov. apps. only)

☒ Patent Application:

USpec. 28 pgs. 11 pgs. Claims 8 drawings 8 sheets

☒ Declaration w/ Power of Atty.: ☐ without signature(s)

☒ Assignment

☒ Assignment Cover Sheet

☐ Small Entity Statement: ☐ Ind. Inv. ☐ Small Bus. ☐ Non-Inv. ☐ Non-Profit

☐ Info Disclosure Statement: ☐ PTO Form 1449 ☐ with References

☐ Other:

Date Mailed: JUN 18 2002 Atty. Ref. No.: 1085-041-Att
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 WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/054,543	01/18/2002	Ying-Chang Liang	1085-041-PWH

CONFIRMATION NO. 9245

FORMALITIES LETTER



OC000000007764478

 21034
 IPSOLON LLP
 805 SW BROADWAY, #2740
 PORTLAND, OR 97205

Date Mailed: 04/02/2002

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) 9 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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*A copy of this notice **MUST** be returned with the reply.*

RF

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



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PTO/SB/21 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/054,543	
	Filing Date	Jan 18, 2002	
	First Named Inventor	Liang	
	Group Art Unit	2634	
	Examiner Name		
Total Number of Pages in This Submission	7	Attorney Docket Number	1085-041-PWH

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Sheets	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Copy of PTOL-85B to Accompany Issue Fee
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Request for Patent Copies
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Petition under Rule 53(e) with 4 attachments. The Commissioner is hereby authorized to charge any additional fees that may be required in connection with prosecution of this application to Deposit Account No. 50-0241	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Patrick W. Hughey, Reg. No. 31,169
Signature	
Date	May 2, 2002

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <u>May 2, 2002</u>	
Typed or printed name	Patrick W. Hughey
Signature	
Date	May 2, 2002